

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUL 28 2009 ★

**BROOKLYN OFFICE**

-----X  
TZVI WEISS, *et al.*

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.  
-----X

STIPULATION  
AND ORDER

05-cv-4622 (CPS) (MDG)

NATAN APPLEBAUM, *et al.*,

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK PLC,

Defendant.  
-----X

07-cv-916 (CPS) (MDG)

**STIPULATION AND ORDER**

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;

WHEREAS, pursuant to the Court's September 26, 2008 Minute Order, Plaintiffs submitted to Defendant a list of 65 entities and individuals on November 13, 2008;

WHEREAS, Plaintiffs served on Defendant a subpoena *duces tecum* addressed to the Royal Bank of Scotland Group plc ("RBS Group"), dated March 24, 2009 (the "Subpoena"), requesting the customer file of any entities or individuals appearing on Plaintiffs' November 13, 2008 list who were customers of a bank subject to the subpoena *duces tecum* during the relevant time period;

WHEREAS, the Court directed in its May 22, 2009 Minute Order that Defendant produce pursuant to the Subpoena the customer file and records of Friends of Al Aqsa, an entity appearing on Plaintiffs' November 13, 2008 list and a customer of the Royal Bank of Scotland plc, a bank that is part of the RBS Group;

WHEREAS, the parties have set forth their agreement concerning the scope of the term "Customer Documents" in a stipulation and proposed order submitted to the Court on May 13, 2009 (the "May 13 Stipulation"); and

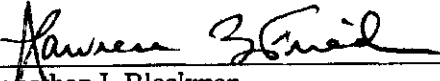
WHEREAS, Defendant preserves its objection to the production of such documents in light of the principles of banker-client confidentiality under English law articulated in Tournier, but recognizes that the Court has overruled such objection with respect to the types of records subject to the May 13 Stipulation;

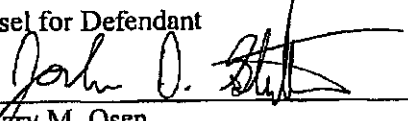
NOW, THEREFORE, it is hereby stipulated and agreed that Defendant will produce to Plaintiffs the "Customer Documents" of Friends of Al Aqsa as set forth in the May 13 Stipulation.

This stipulation is without prejudice to Plaintiffs' request for additional documents concerning customers of Defendant or the RBS Group during the relevant period

identified on Plaintiffs' November 13, 2008 list or in response to the Subpoena, and without waiver of Defendant's or the RBS Group's objections to any such request.

Dated: July 13, 2009

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Counsel for the Applebaum Plaintiffs

SO ORDERED

s/Marilyn D. Go

USMS 7/21/09